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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 18TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR.JUSTICE A.J.SADASHIVA

WRIT PETITION No. 19979/1994

BETWEEN:

Sri.Ashok Sangappa Siddareddi,
s/o Sri.Sangappa Siddareddi,
Aged: Major, r/o Madarkhindi
Village, Jamkhandi Tq., Bijapur
Dist.,

.. Petitioner

(By Sri M.H.Sawkar, Adv.,)

AND:

1. The Tahsildar,
Jamkhandi Tq., Jamkhandi,
Bijapur Dist.,
2. The Village Accountant,
Madarkhindi Village,
Jamkhandi Tq., Bijapur Dist.,

.. Respondents

(By Sri K.H.Jagadish, HCGA)

This Writ Petition filed under Articles 226 and 227 of the Constitution of India, praying to quash the impugned order vide Annex-A issued by 2nd respondent on 1.3.94 on the instructions of the 1st respondent and etc.,

This Writ Petition coming on for further hearing this day, the Court made the following :-

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O R D E R

The demand notice dated 1.3.1994 issued by the second respondent as per Annexure-A is sought to be quashed by the petitioner in this petition.

2. The impugned notice is issued pursuant to the certificate issued under the provisions of sub-section (3) of section 3 of the Karnataka Public Monies (Recovery of Dues) Act, 1979 by the Prescribed Officer under the Act. The petitioner expresses ignorance of any debt contracted by him. From the records it is seen that the petitioner and his brother Eshwarsangappa Siddareddy appear to have raised loan from the Syndicate Bank for establishing a sugarcane crusher. This petition is liable to be dismissed as the impugned notice cannot be interfered with in the face of certificate issued by the Prescribed Officer and the petitioner cannot question the correctness of the impugned notice without getting the certificate quashed. This petition, therefore, fails and accordingly dismissed.

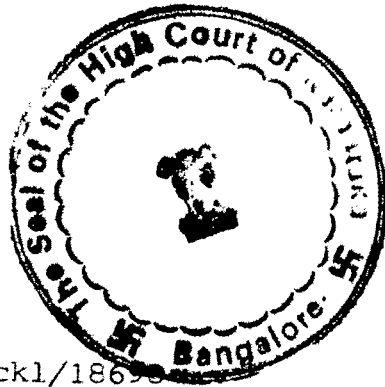
3. In the circumstances of the case, there is no order as to costs.

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4. Sri.K.H.Jagadish, the learned HCCA,
is permitted to file memo of appearance
within four weeks.



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Sd/-
JUDGE

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